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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,298	03/21/2000	JEAN-PIERRE HAUET	Q58185	8937

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EXAMINER

GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
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2125

12

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/509,298

Applicant(s)

HAUET, JEAN-PIERRE

Examiner

Steven R Garland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 4-10 is/are allowed.
- 6) ☒ Claim(s) 3 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/03 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robillard et al. 5,706,278.

Robillard et al. teaches the use of time slots for transmitting critical messages in a deterministic mode and using left over time slots to transmit non critical messages ; the use of sensors, actuators, processors and memory elements. See the abstract; figures; col. 1, lines 6-10; col. 2, lines 32-37; col. 3, lines 40-63; col. 5, lines 1-13; col. 8, lines 8-39; and the claims.

Robillard however does not specifically state that the system is used in industrial control, but does teach that it can be used in industrial control. See col. 5, lines 1-13.

It would have been obvious to one of ordinary skill in the art to modify Robillard in view of the express teaching of Robillard and apply the system to industrial control.

4. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robillard et al. 5,706,278 as applied to claims 3,11, and 13 above, and further in view of Swales 6,321,272.

Robillard et al. teaches the use of time slots for transmitting critical messages in a deterministic mode and using left over time slots to transmit non critical messages ; the use of sensors, actuators, processors and memory elements. See the abstract; figures; col. 1, lines 6-10; col. 2, lines 32-37; col. 3, lines 40-63; col. 5, lines 1-13; col. 8, lines 8-39; and the claims.

Robillard however does not specifically state that the system is used in industrial control, but does teach that it can be used in industrial control. See col. 5, lines 1-13.

It would have been obvious to one of ordinary skill in the art to modify Robillard in view of the express teaching of Robillard and apply the system to industrial control.

Robillard however does not teach connecting the system to an external network.

Swales teaches connecting a local system to an external system. Swales also teaches real time control; use of deterministic communication; use of various types of protocols as desired such as TCP/IP and HTTP; use of a server; use of a router; allowing both real time communication for local devices and non-real time communication for a remote device such as user computer over the Internet; use of local network; sending interactive documents, storing information; etc. Swales also teaches that the system allows for external communication without disturbing the real time control. See the abstract; figures; col. 1, lines 14-67; col. 2, line 31 to col. 3, line 15;

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col. 3, lines 56-67; col. 4, lines 1-33; col. 10, lines 25-41; col. 12, lines 5-14; col. 13, lines 56-60; col. 14, lines 31-34; and the claims.

It would have been obvious to one of ordinary skill in the art to modify Robillard in view of Swales and provide communication to an external system. This would allow real time control to be performed and also allow for external communication to a remote site as taught by Swales.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 5, "the deterministic interchange mode" lacks a proper antecedent basis. Claims 11-14 fall with the parent claim.

7. Claims 1,2,4-10 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on 703-308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

*SRV*

Steven R Garland  
Examiner  
Art Unit 2125

*L. P. Picard*

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100